

BCC - NEPOTISM

It is the intent of this policy to ensure that employment practices comply with Maine's "prohibited appointments and employment" statute, 20-A MRSA § 2002 and to avoid favoritism and the appearance of favoritism in employment practices.

I. For the purposes of this policy, the following definitions shall be used:

- I. "Employee" means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for the School Department.
- II. "Stipend employee" means a person who receives limited monetary payment or benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring or coaching capacity for the School Department.
- III. "Volunteer" means a person who performs personal services for the School Department without monetary payment or benefits of any kind or amount.
- IV. "Administrative supervision" refers to the authority of a person in the position of principal or higher.
- V. "Immediate Family" includes spouse, sibling, parent, child/adult child or domestic partner.
- VI. "Extended Family" includes grandparent, grandchild, sibling, parent's sibling or in-law.

II. Board Members

It shall be the policy of the Cape Elizabeth School Board not to employ as school department staff any person who is a member of the immediate family of a Board member.

- I. Immediate and extended family members of Board members shall not be employed by the School Department, subject to the following exemptions:
 1. Employees who are employed on the date that an immediate or extended family member of theirs is elected to the Board.
 2. In accordance with 20-A MRSA § 1002(2A), a Board member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity and reports directly to the Superintendent, principal, athletic director or their school administrator, with exception when 20-A MRSA § 1002 (2A) and (2B) applies.
 3. In accordance with 20-A MRSA § 1002 (2A) and (2B), spouses of Board members may serve as stipend employees or volunteers under the following conditions. These exceptions will sunset on July 1, 2024.

- a. The Board authorizes the Superintendent to employ a spouse of the member of the Board as a stipend employee on a contractual basis when that action is in the best interest of the students and the needs of the school unit. Such a contract will summarize potential conflicts of interest and describe mitigations of such conflicts and will be for one season or one year only, with no guarantee or expectation of continuation.
- b. It is the Board's intent that hiring practices for stipend positions discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restrictions based solely on family association. To that end, the Superintendent/designee will be responsible for developing job descriptions for stipend positions, including relevant qualifications and duties/ responsibilities.

II. Board members are expected to recuse themselves from participating in any personnel action involving an immediate or extended family member employed by the School Department.

II. Superintendent

I. Immediate and extended family members of the Superintendent shall not be employed by the School Department, subject to the following exemption: employees who are employed on the date that an immediate or extended family of theirs is elected to the position of Superintendent.

- I. If a member of the Superintendent's immediate or extended family is employed under paragraph IIIA, appropriate measures shall be taken by the Board to avoid a conflict.

III. Administrators

I. No person shall be employed in or assigned to a position within the administrative supervision of a member of that person's immediate or extended family. Nor shall any person be employed in a position in which a member of the immediate or extended family of that person is responsible, in whole or in part, for their supervision or evaluation.

IV. All School Employees

The Board shall be notified if an employee has an immediate or extended family relationship with any other School Department employee or Board member before the Board takes any employment action affecting that employee.

V. Volunteers

Under Main law (20-A MRSA § 1002(2-A)), a board member or a board member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular, or extracurricular program or activity and reports directly to the Superintendent, principal, athletic director, or other school administrator within the jurisdiction of the Board, with the following exception:

I. A Board member's spouse may serve as a volunteer when such service is deemed to be in the best interest of students and the School Department. Approval of such volunteers must be made without favoritism and political patronage; consider the needs of the School Department; and provide that all volunteers have a fair and equal opportunity to be selected on merit, with priority consideration given to the best interest of students without restrictions based solely on daily association. This exception applies only through June 30, 2024, unless extended by the Maine legislature.

II. Exceptions to Policy

In extraordinary circumstances, the Board may approve an exception to the prohibitions on the employment of immediate or extended family so long as the candidate is qualified for the position, the hiring is in the best interest of the school system and its students, and the candidate is not the spouse of a Board member. It is the intent of the Board that this provision be narrowly construed and used only in rare circumstances.

Legal Reference:

- 20-A MRSA § 1002

Cross Reference:

- [BCB-Board Member Conflict of Interest](#)
- [IJO - School Volunteers](#)

Adopted:

- January 14, 1992

Recoded:

- June 1998

Revised:

- April 9, 2004
- March 12, 2013
- January 8, 2019
- May 10, 2022